

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

GLENN H. SMITH,

Plaintiff,

v.

Case Number 08-10100
Honorable Thomas L. Ludington

UNITED STATES OF AMERICA,

Defendant.

/

**ORDER DENYING AS MOOT DEFENDANT'S MOTION TO COMPEL
AND EXTENDING THE DISCOVERY CUT-OFF DATE**

On September 19, 2008, Defendant United States of America filed a motion to compel Plaintiff Glenn H. Smith to produce various discovery materials. Dkt. # 9. According to Plaintiff's response, he had either provided the requested material or would shortly do so. On October 16, 2008, the Court held a status conference to address the progress of discovery.

At the status conference, the parties indicated that Plaintiff had provided all material addressed in Defendant's motion. Thus, the motion to compel is moot. The parties jointly requested that discovery be extended by a period of sixty days. The current scheduling indicates that discovery concluded on October 3, 2008. The parties indicate that an extension is warranted due to scheduling issues surrounding an independent medical examination. The Court concludes that the parties have demonstrated "good cause" to justify an extension. *See* Fed. R. Civ. P. 16(a)(4).

It is **ORDERED** that the Defendant's motion to compel [Dkt. # 9] is **DENIED** as moot.

It is further **ORDERED** that the scheduling order is **AMENDED** as follows:

YOU WILL RECEIVE NO FURTHER NOTICE OF THESE DATES	
Discovery Cutoff:	December 5, 2008
Motions Challenging Experts Filed By:	January 5, 2009
Dispositive Motions Filed By:	January 5, 2009
Motions <i>in limine</i> Filed By:	March 30, 2009
Final Pretrial Order & Jury Instructions Due:	April 20, 2009
Final Pretrial Conference:	April 27, 2009 at 3:30 p.m.
Trial Date:	May 12, 2009 at 8:30 a.m.
Non Jury Trial	

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: October 17, 2008

<u>PROOF OF SERVICE</u>
The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 17, 2008.
<u>s/Tracy A. Jacobs</u> TRACY A. JACOBS